

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL PARKS CONSERVATION)
ASSOCIATION, 777 6th Street NW, Suite 700)
Washington DC 20001;)

ONE HUNDRED MILES, 403 G Street,)
Brunswick, GA 31520;)

LITTLE CUMBERLAND ISLAND HOMES)
ASSOCIATION, INC., 145 Hampton Point)
Drive, First Floor, St. Simons, GA 31522; and)

CARETTA FOUNDATION, INC., 4090 Livsey)
Road, Tucker, GA 30084;)

Plaintiffs,)

Civil Action No. _____

v.)

FEDERAL AVIATION ADMINISTRATION,)
800 Independence Avenue SW, Washington, DC)
20591;)

DANIEL MURRAY, 800 Independence Avenue)
SW, Washington, DC 20591; and)

JAMES REPCHECK, 800 Independence)
Avenue SW, Washington, DC 20591.)

Defendants.)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

NATURE OF THE CASE

1. The Federal Aviation Administration (“FAA”) issued a launch site operator license (the “License” or “Launch Site Operator License”) authorizing Camden County (the “Applicant” or the “County”) to operate Spaceport Camden, a proposed commercial spaceport that would launch rockets directly over a national seashore and populated areas. The FAA’s decision to license a site where rockets would launch over people, homes, and Cumberland

Island National Seashore (“the National Seashore”) is contrary to the agency’s regulations for licensing launch sites and is unprecedented in the history of the United States’ commercial space program.

2. In issuing this license, the FAA failed to properly evaluate the project as required by the National Environmental Policy Act (“NEPA”), Section 4(f) of the Department of Transportation Act (“Section 4(f)”), Section 106 of the National Historic Preservation Act (“Section 106”), the FAA’s regulations at 14 C.F.R. Part 420 (License to Operate a Launch Site), and the enabling legislation for Cumberland Island National Seashore. When the County changed the project to focus on more failure-prone small rockets, the FAA failed to revisit its environmental review despite its own conclusion doing so is unlawful. The FAA based its review of this revised project on a non-existent rocket proposed by the County for the sole purpose of trying to satisfy the FAA’s safety regulations. And even then, the FAA violated the plain language of its own regulations in issuing the License.

JURSDICTION AND VENUE

3. This action arises under the Commercial Space Launch Act, 51 U.S.C. § 50901 *et seq.*, NEPA, 42 U.S.C. § 4321 *et seq.*, Section 4(f), 49 U.S.C. § 303 *et seq.*, Section 106, 54 U.S.C. § 306101. *et seq.*, the enabling legislation for Cumberland Island National Seashore, 16 U.S.C. § 459i *et seq.*, and the Administrative Procedure Act (the “APA”), 5 U.S.C. §§ 701–706.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and may issue a declaratory judgment and grant further relief pursuant to 28 U.S.C. §§ 2201–2202. Plaintiffs bring this action pursuant to the APA. 5 U.S.C. § 702.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e)(1)(A), (B), and (C). A substantial part of the events and omissions giving rise to this Complaint

occurred in this judicial district, Plaintiff National Parks Conservation Association is a resident of this district, and the Defendants are residents of this district.

PARTIES AND STANDING

The Conservation Group Plaintiffs

6. Plaintiff National Parks Conservation Association is a nonprofit organization dedicated to protecting and enhancing America's National Park System for present and future generations. National Parks Conservation Association has 1.6 million members and supporters across the country. National Parks Conservation Association's principal place of business is located in Washington, D.C.

7. National Parks Conservation Association believes that the shortcomings in the FAA's review of Spaceport Camden and its decision to issue the License has harmed and will continue to harm its organizational interests and the interests of its members. This harm includes impeding access to the National Seashore and limiting recreational opportunities there, exposing visitors to risk of injury or death, and jeopardizing the historic and natural resources found on Cumberland Island. National Parks Conservation Association and its members believe their use and enjoyment of Cumberland Island and the surrounding areas will be diminished as a result of the FAA's decision to issue the License.

8. National Parks Conservation Association relies on information and access to the National Seashore to conduct its organizational activities, including member outreach and events. As recently as 2019, National Parks Conservation Association conducted a group outing for key donors and supporters on Cumberland Island. This trip required extensive scheduling and advance planning. National Parks Conservation Association would like to conduct similar trips in the future, but believes that the lack of information regarding Spaceport Camden's operations

and the potential access restrictions required for its operation will make it more difficult to conduct trips like this in the future.

9. National Parks Conservation Association also has members and staff that visit, recreate, use, and enjoy the National Seashore and surrounding areas. These members and staff intend to continue using this area in the future, but believe their use and enjoyment of the area, including the northern part of Cumberland Island and the adjacent marsh, will be diminished. Plaintiff and its members believe that these concerns would be addressed by a favorable resolution of this suit.

10. One member of National Parks Conservation Association has lived on Cumberland Island for over four decades. Her home is on the northern end of the Island and one of the few private residences on the Island. It is located directly under the proposed flightpath of launches from Spaceport Camden. She has advocated for the preservation of Cumberland Island, its diverse ecosystems, and its ecological value for decades. She participates in a variety of scientific research regarding sea turtles and other species on the Island. She also recognizes and values the importance of the Island's wilderness character, and that people come to Cumberland for a respite from the over-developed mainland. She is concerned Spaceport Camden and the License will result in damage to her property; the historical hazardous waste at the launch site; landowner and visitor access; safety within the "limited access area;" noise and light impacts; harm to wildlife and habitat; impairment of wilderness values; and catastrophic rocket failures. She is also concerned that Spaceport Camden and the License will have a negative impact on the health of the salt marsh in the area. She fears that rocket failures and the resulting cleanup will damage the marsh. She also fears that damage that will occur during normal operations because publicly-owned salt marsh is contained in the site's debris dispersion area.

11. Another member of National Parks Conservation Association lives in Washington, D.C. but has a family house in coastal Georgia. She has visited Cumberland Island at least eight times and has boated extensively in the area. Among other areas, she has boated in the Intracoastal Waterway along Cumberland Island and in Christmas Creek. She has participated in right whale, shorebird, and sea turtle research on Cumberland Island, Little Cumberland Island, and surrounding waterways. She is concerned that Spaceport Camden and the License will have a negative effect on Cumberland Island and its natural resources. She fears that Spaceport Camden and the License will make it more difficult for visitors like her to visit and enjoy the island. Now that she lives elsewhere, visiting Cumberland Island requires extensive advance planning that will be thwarted due to the planned access restrictions. She plans to visit Cumberland Island with her children in the near future, potentially during a planned visit to coastal Georgia in August 2022.

12. Plaintiff One Hundred Miles is a nonprofit organization focused on protecting and preserving Georgia's 100-mile coast. One Hundred Miles' advocacy and education teams work hand-in-hand with its members and public to ensure that they have the knowledge and tools to make their voices heard for the coast they love. One Hundred Miles' principal place of business is located in Brunswick, Georgia.

13. One Hundred Miles believes that the shortcomings in the FAA's review of Spaceport Camden and its decision to issue the License has harmed and will continue to harm its organizational interests and the interests of its members. This harm includes impeding access to the National Seashore and limiting recreational opportunities there, exposing visitors to risk of injury or death, jeopardizing the historic and natural resources found on Cumberland Island, and risk of damage to coastal marsh areas. One Hundred Miles and its members believe their

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